No. 7300045

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Ben Fish and Son

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF seventeen YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS CERTIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PLANT VARIETY PROTECTION OFFICE · DEPARTMENT OF AGRICULTURE

LIMA BEAN

'Bush Florida Butter'

In Testimony Whereof, *I have hereunto set my hand and caused the seal of the* Plant Variety Protection Office *to be affixed at the City of* Washington *this* eighth *day of* April *in the year of our Lord one thousand nine hundred and* seventy-five

Attest:

Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

Secretary of Agriculture

BEN FISH & SON

SEED BEAN GROWERS

MAILING ADDRESS:
P. O. BOX 417
CROWS LANDING, CALIFORNIA 95313

QUALITY SEED SINCE 1875

AREA CODE 209 837-4744

OFFICE, RESEARCH and PROCESSING:
25 EAST 5TH STREET
CROWS LANDING, CALIFORNIA 95313

PV #7300045

"Bush Florida Butter"

13-D Exhibit D

"Bush Florida Butter" most closely resembles "Jackson Wonder", in plant type, but differs in seed characters which most closely resemble those of "Florida Butter Pole".

Paul L. Dompe

Paul L. Dompe

73045

Exhibit 12-A

Origin and History

1. In 1966 an observational planting of an individual bulk selection from a Ben Fish & Son line, Milres S-148-65-MG, was conducted at our research trial station in Milford, Delaware. This observational study, identified as C-66-66, had the following characteristics:

Green seed coat
Green cotelydon
Compact bush plant structure
Plain leaf coloring
Medium early maturity
100% strain A downy mildew resistance

The bulk results of this study had a mixture of seeds both speckled and green seed coat with green and white cotelydons. Possibly this is the result of an outcrossing with one of our breeding lines having bush Florida Butter characteristics but not fully homozygous.

2. In 1967 a small quantity of the speckled seeds were planted in our California trials, identified as S-293-67-D. The resultant bulk had true Florida Butter speckled seed coat and segregating green and white cotelydons. The growing plants had a compact bush plant structure with plain green leaf coloring.

In 1968 an observational study of S-293-67-D was conducted and identified as S-148-68-MG. This study was handpicked for the best Florida Butter seed coat color and only white cotelydons. The results were a plain green leaf color bush plant type having excellent Florida Butter seed coat color and white cotelydons.

3. Apparently the varient of cotelydon color is eliminated by cotelydon selection as the foregoing and the following indicate.

4. In 1969 an observational study of S-148-68-MG was made and identified as S-40-69-MG. This study was also handpicked for the best Florida Butter seed coat color and only white cotelydons. The results were a plain green leaf color bush plant type having excellent Florida Butter seed coat color and white cotelydons.

(there was no study conducted in 1970)

In 1971 the entire bulk of S-40-69-MG was planted and identified as M-8-71. The characteristics of the result of this bulk was the same as in 1969, plain green leaf color bush plant type having excellent Florida Butter seed coat color and white cotelydons, and early maturity.

In 1972 a large field planting was made and it also maintained its homozygosity.

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Exhibit 12-B

Botanical Description

1. Seedling stage; emergence in five to seven days, exceptionally vigorous growth after emergence attaining full growth in thirty to thirty five days.

   Flowering stage; sets an abundance of blossoms around and within the fold of the plant.

   Fruiting stage; sets many pods throughout and within the fold of the plant, many fruiting stems have a cluster pod set.

2. Plant grows to a height of 20 to 25 inches with a spread of about the same. It is quite similar to the speckled butter bean, Jackson Wonder, in all characteristics except for the color of the fresh and mature seeds.

Exhibit 12-c

Objective Description

~~NO FORM~~ ATTACHED 7/7

Exhibit 12-d

Data Indicative of Novelty

Primary novelty difference is the conversion of the standard pole bean type of Florida Butter to the bush type.

Seed specimens of:

A. Standard pole bean type

REVISED ATTACHED 7/7

B. New bush bean type

(the above to show the similarity of seed coloration between the two.)

C. Jackson Wonder bush lima

(the above to show the difference between it and Bush Florida Butter.)

Exhibit 12-E

Basis of Ownership

Applicant is the employer of breeder.

FORM GR-470
(2-12-71)

UNITED STATES DEPARTMENT OF AGRICULTURE
CONSUMER AND MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

FORM APPROVED
OMB NO. 40-R3712

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: *See Reverse.*

1. VARIETY NAME OR TEMPORARY DESIGNATION	2. KIND NAME	FOR OFFICIAL USE ONLY	
BUSH FLORIDA BUTTER ~~LIMA~~	Speckled Bush Baby Lima	PVPO NUMBER 73045	
3. GENUS AND SPECIES NAME	4. FAMILY NAME *(Botanical)*	FILING DATE 1-2-73	TIME 3:30 P.M.
Florida Butter Bush Baby Lima	Phaseolus Lunatus		
	5. DATE OF DETERMINATION	FEE RECEIVED	CHARGES
	1967	$750	—

6. NAME OF APPLICANT(S)	7. ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)*	8. TELEPHONE AREA CODE AND NUMBER
Ben Fish & Son	P.O. Box 417 Crows Landing, CA 95313	AC 209 837-4744

9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: *(Corporation, partnership, association, etc.)*	10. STATE OF INCORPORATION	11. DATE OF INCORPORATION
Division of Dompe Warehouse Co., Inc.	California	6-17-55

12. Name and mailing address of applicant representative(s), if any, to serve in this application and receive all papers:

Mr. Paul Dompe
Ben Fish & Son
P.O. Box 417
Crows Landing, CA 95313

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- [X] 12A. Exhibit A, Origin and Breeding History of the Variety *(See Section 52, P.L. 91-577)*
- [X] 12B. Exhibit B, Botanical Description of the Variety
- [X] 12C. Exhibit C, Objective Description of the Variety
- [X] 12D. Exhibit D, Data Indicative of Novelty
- [X] 12E. Exhibit E, Statement of the Basis of Applicant's Ownership

The applicant declares that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable. *(See Section 52, P.L. 91-577).*

14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed? *(See Section 83(a), P.L. 91-577) (If "Yes," answer 14B and 14C below.)* [X] YES [ ] NO

14B. Does the applicant(s) specify that this variety be limited as to number of generations?	14C. If "Yes," to 14B, how many generations of production beyond breeder seed?
[ ] YES [X] NO	

Applicant is informed that false representation herein can jeopardize protection and result in penalties.

The undersigned applicant(s) of this sexually-reproduced novel plant variety believes that the variety is distinct, uniform, and stable as required in Section 41 and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act (P.L. 91-577).

BEN FISH & SON - A Division of
DOMPE WAREHOUSE CO.
Americo D Dompe

(DATE)	(SIGNATURE OF APPLICANT)
12/29/72	
(DATE)	(SIGNATURE OF APPLICANT)

1

 73045

7. FRESH PODS:

[2] Color: 1 = LIGHT GREEN (Thaxter) 2 = MEDIUM GREEN (Florida Butter) 3 = DARK GREEN (Thorogreen Early) 4 = OTHER (Specify) _____

[0 9] CM. LENGTH [2 0] MM. WIDTH (Between sutures) [0 9] MM. THICKNESS [2 2] WIDTH / THICKNESS X 10

[2] Cross section pod shape: 1 = FLAT 2 = OVAL 3 = ROUND [1] Curvature: 1 = STRAIGHT 2 = SLIGHTLY CURVED 3 = CURVED

[4] MM. SPUR LENGTH [1] Spur: 1 = STRAIGHT 2 = SLIGHTLY CURVED 3 = CURVED

[1] Surface: 1 = SHINY 2 = DULL [1] Surface: 1 = SMOOTH 2 = BLISTERED

[1] Pubescence: 1 = NONE 2 = SPARSE 3 = CONSIDERABLE [3] NUMBER OF SEEDS PER POD

[4 0] NUMBER PODS PER PLANT (Once over harvest) [1] Machine harvest: 1 = ADAPTED 2 = NOT ADAPTED

Condition of pods at once-over harvest: [0 5] % DRY [0 5] % YELLOW [9 0] % GREEN

8. SEEDS:

[2] 1 = MONOCHROME 2 = POLYCHROME [1] 1 = SHINY 2 = DULL

[0 1] Primary color: [1 0] Secondary color: 1 = WHITE 2 = GREENISH WHITE 3 = GREEN 4 = YELLOW 5 = BUFF 6 = TAN 7 = BROWN 8 = PINK 9 = RED 10 = PURPLE 11 = BLACK 12 = OTHER (Specify) _____

[1] Color pattern: 1 = SPLASHED 2 = MOTTLED 3 = STRIPED 4 = FLECKED 5 = DOTTED

[8] Secondary color location: 1 = HILAR RING 2 = HILAR SURFACE 3 = STROPHIOLE 4 = MICROPYLE 5 = SIDES 6 = DORSAL SURFACE 7 = NOT RESTRICTED TO ANY AREA 8 = COMBINATION OF LOCATIONS (Specify) Like 1, 2 and one end

[3] Hilar ring: 1 = NOT PRESENT 2 = NARROW 3 = WIDE 4 = BUTTERFLY SHAPED [1] Vein-like under coat pattern: 1 = ABSENT 2 = PRESENT

[1] Cotyledon color: 1 = WHITE 2 = PALE GREEN 3 = GREEN

9. SEED SHAPE AND SIZE:

[2] Hilum view: 1 = FLAT 2 = ELLIPTICAL 3 = OVAL 4 = ROUND [1] Side view: 1 = OVAL 2 = ROUND 3 = KIDNEY 4 = TRUNCATE ENDS

[2] Cross section: 1 = FLAT 2 = ELLIPTICAL 3 = OVAL 4 = ROUND [5.2] GM. WEIGHT PER 100 SEEDS

[1] Classification: 1 = SIEVA 2 = INTERMEDIATE 3 = FORDHOOK

[1 0] MM. WIDTH (Dorsal to ventral) [0 4] MM. THICKNESS (Side to side)

[1 4] MM. LENGTH [2 5] WIDTH / THICKNESS X 10

10. ANTHOCYANIN: (1 = Absent, 2 = Present)

[1] FLOWERS [1] STEM [1] PODS [1] SEEDS [1] LEAVES

11. DISEASE RESISTANCE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

[0] RUST (Specify race) _____	[0] ANGULAR LEAF SPOT	[0] BACTERIAL WILT
[0] COMMON BEAN MOSAIC	[0] ANTHRACNOSE	[0] LIMA BEAN MOSAIC
[0] SOUTHERN BEAN MOSAIC	[0] FUSARIUM ROOT ROT	[0] CURLY TOP
[0] N.Y. 15 BEAN MOSAIC	[0] DOWNY MILDEW	[0] POWDERY MILDEW
[0] BEAN MOSAIC VIRUS 4	[0] HALO BLIGHT	[0] FUSCOUS BLIGHT
[0] ALFALFA MOSAIC VIRUS	[0] ALFALFA MOSAIC VIRUS 2	[0] POD MOTTLE VIRUS
[0] RED NODE VIRUS	[0] ROOT KNOT NEMATODE	[0] OTHER (Specify) _____

5

73045

12. INSECT RESISTANCE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

0	APHIDS	0	LEAF HOPPERS	0	POD BORER	0	LYGUS
0	THRIPS	0	WEAVILS	0	SEED CORN MAGGOT	0	OTHER (Specify)

13. PHYSIOLOGICAL RESISTANCE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

0	HEAT	0	COLD	0	DROUGHT	0	OTHER (Specify)

REFERENCES

The following publications may be used as references in completing this form:

1. Beans of New York. Vol. 1 Part II of Vegetables of New York. U.P. Hedrick et al. J. B. Lyon Company, Albany, N.Y. 1931.

2. Yarnell, S. H., Cytogenetics of the Vegetable Crops IV. Legumes. Bot. Rev. 31:247 - 330. 1965.

3. USDA Yearbook of Agriculture. 1937.

COLOR: Nickerson's or any recognized color fan may be used to determine the colors.

COMMENTS:

Item No.6 - Not enough boxes for number of flowers per raceme.

Item No.7 - Not enough boxes for number of pods per plant.

FORM APPROVED. OMB NO. 40-R3712

FORM GR-470-15
(1-15-73)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

EXHIBIT C
(Lima Bean)

OBJECTIVE DESCRIPTION OF VARIETY

LIMA BEAN (*PHASEOLUS LUNATUS*)

REFERENCES: See Reverse.

NAME OF APPLICANT(S)

Ben Fish & Son

ADDRESS (*Street and No. or R.F.D. No., City, State, and ZIP Code*)

P.O. Box 417
Crows Landing, Calif 95313

FOR OFFICIAL USE ONLY

PVPO NUMBER

73045

VARIETY NAME OR TEMPORARY DESIGNATION

Bush Florida Butter

Place the appropriate number that describes the varietal character of this variety in the boxes below.
Place a zero in first box (e.g. [0][8][9] or [0][9]) when number is either 99 or less or 9 or less.

1. TYPE:

[3] 1 = GREEN SHELL 2 = DRY EDIBLE 3 = DUAL PURPOSE

2. REGION OF ADAPTABILITY IN THE U.S.:

[6] Best adapted in: 1= NORTHWEST 2 = NORTHCENTRAL 3 = NORTHEAST 4 = SOUTHEAST 5 = SOUTHWEST 6 = MOST REGIONS

3. MATURITY (Days from seeding to first harvest):

[7][5] GREEN SHELLS [8][5] DRY SEEDS

[3][0] No. of days *Earlier* than: .... [5]
[ ][ ] No. of days *Later* than ..... [7]

1 = HENDERSON BUSH 2 = THAXTER 3 = BURPEE'S IMPROVED BUSH 4 = SIEVA 5 = FLORIDA BUTTER 6 = KING OF THE GARDEN 7 = OTHER (Specify) Earlier than any of above

4. PLANT:

[1] 1 = DETERMINATE, ERECT BUSH 2 = DETERMINATE, SPRAWLING BUSH 3 = DETERMINATE, SEMIPOLE 4 = INDETERMINATE, POLE

[0][4 3/8] CM. HEIGHT ~~OR LENGTH OF VINE FROM PRIMARY LEAF NODE~~

[0][1] CM. LENGTH OF FIRST INTERNODE ABOVE PRIMARY LEAF

[5 7/8] CM. SPREAD

[0][7] NUMBER INTERNODES ON MAIN STALK BETWEEN PRIMARY LEAF AND BASE OF TERMINAL INFLORESCENCE

[0][9] MM. STALK DIAMETER ABOVE FIRST TRIFOLIATE LEAF

[2] Main stalk: 1 = BRITTLE 2 = WIREY

[1] Main stalk: 1 = STOUT 2 = THIN

[1] Flower position:
[1] Pod position:

1 = LOW, CONCENTRATED 2 = HIGH, CONCENTRATED 3 = SCATTERED

5. LEAVES:

[1] 1 = SMOOTH 2 = WRINKLED

[2] 1 = DULL 2 = GLOSSY

[1] Thickness: 1 = THIN 2 = MEDIUM 3 = THICK

[1] Size: 1 = SMALL (Sieva) 2 = MEDIUM 3 = LARGE (Prizetaker)

[5] CM. PETIOLE LENGTH (To basal leaflets of first trifoliate leaf)

[2] Tip shape of center leaflet: 1 = ROUNDED 2 = TAPER POINTED 3 = SHARP POINTED

[1] PUBESCENCE - Dorsal:
[2] PUBESCENCE - Ventral:

1 = NONE 2 = SLIGHT 3 = CONSIDERABLE

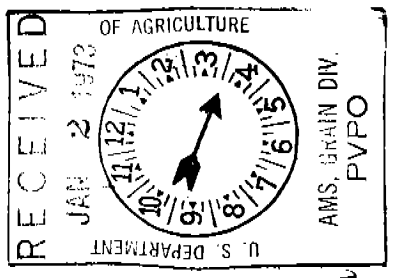
[2] Color: 1 = GRAY GREEN 2 = MEDIUM GREEN (Burpee's Improved Bush) 3 = DARK GREEN (Sieva)

6. FLOWERS:

[2] Color: 1 = WHITE 2 = CREAM 3 = PINK 4 = LILAC 5 = PURPLE 6 = OTHER (Specify) _____

[9] Racemes: CM. TO BASE OF TERMINAL FLORET [1][0] NUMBER FLOWERS PER RACEME 4

FORM GR-470 (REVERSE)



INSTRUCTIONS

GENERAL: Send an original copy of the application, exhibits and ~~$50.00~~ 250.00 fee to U.S. Dept. of Agriculture, Consumer and Marketing Service, Grain Division, Hyattsville, Maryland 20782. Retain one copy for your files. All items on the face of the form are self-explanatory unles noted below.

ITEM

5 Insert the date the applicant determined that he had a new variety.

12a First, give the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method. Second, give the details of subsequent stages of selection and multiplication. Third, indicate the type and frequency of variants during reproduction and multiplication and state how these variants may be identified. Fourth, provide evidence on stability.

12b First, give any special characteristics of the seed and of the plant as it passes through the seedling stage, flowering stage and the fruiting stage. Second, describe the mature plant and compare it with a similar commercial variety grown under the same conditions, and indicate the differences.

12c A supplemental form will be furnished by the PVPO to describe in detail a variety for each kind of seed.

12d Provide complete data indicative of novelty. Seed and plant specimens may be submitted and seeds submitted may be sterile. Where possible, include photographs of plant comparisons, chemical tests, etc.

12e Indicate whether applicant is the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.